

APPEAL

**United States District Court  
District of Massachusetts (Boston)  
CIVIL DOCKET FOR CASE #: 1:04-cv-11730-NG**

Georto, Inc. v. Gateman  
Assigned to: Judge Nancy Gertner  
Demand: \$75,000  
related Case: 1:06-cv-11034-NG  
Cause: 28:1332 Diversity-Other Contract

Date Filed: 08/05/2004  
Jury Demand: Defendant  
Nature of Suit: 290 Real Property: Other  
Jurisdiction: Diversity

**Plaintiff**

**Georto, Inc.**

represented by **Dale C. Kerester**  
Lynch, Brewer, Hoffman & Fink LLP  
101 Federal Street  
22nd floor  
Boston, MA 02110  
617-951-0800  
Fax: 617-951-0811  
Email: dkerester@lynchbrewer.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Karin I. McEwen**  
Lynch, Brewer, Hoffman & Fink LLP  
101 Federal Street  
22nd floor  
Boston, MA 02110  
617-951-0800  
Fax: 617-951-0811  
Email: kmcewen@lynchbrewer.com  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**William Gateman**  
*Individually and as Trustee of 200  
Union Street Realty Trust*

represented by **Alan G. Miller**  
Alan G. Miller  
6 Beacon Street  
Boston, MA 02108  
617-227-4044  
Fax: 617-227-5012  
Email: agmiller@inscounsel.com  
*TERMINATED: 03/13/2006*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**James S. Robbins**  
6 Beacon Street  
Suite 1100  
Boston, MA 02108  
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Fax: 617-227-3722  
Email: jsrobbins@earthlink.net  
*TERMINATED: 03/13/2006*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Mark P. McGrath**  
9 West Broadway  
Suite 214  
Boston, MA 02127  
617-271-9009  
Email: mpgrath@aol.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Francis J. DiMento**  
DiMento & Sullivan  
Seven Faneuil Hall Marketplace  
Boston, MA 02109  
617-523-2345  
Fax: 617-523-2346  
Email: fjd@dimentosullivan.com  
*ATTORNEY TO BE NOTICED*

**Defendant**

**TD Banknorth, N.A.**

**Defendant**

**Eastern Bank**

**Defendant**

**Marianne B. Bowler**

**Mediator**

**Magistrate Judge Marianne B.  
Bowler**

**V.**

**Trustee**

**Citizens Bank of Massachusetts**

represented by **Donald J. Barry, Jr.**  
Citizens Bank of Massachusetts  
53 State Street  
Boston, MA 02109

617-725-5810  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**ThirdParty Plaintiff**

**William Gateman**  
*Individually and as Trustee of 200*  
*Union Street Realty Trust*

represented by **Alan G. Miller**  
Alan G. Miller  
Suite 1100  
6 Beacon Street  
Boston, MA 02108  
617-227-4044  
Fax: 617-227-5012  
Email: agmiller@inscounsel.com  
*TERMINATED: 03/13/2006*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**ThirdParty Defendant**

**Roberts Corporation**

represented by **John Mark Dickison**  
Lawson & Weitzen, LLP  
88 Black Falcon Avenue  
Suite 345  
Boston, MA 02210-2414  
617-439-4990  
Fax: 617-439-3987  
Email: mdickison@lawson-  
weitzen.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Counter Claimant**

**Roberts Corporation**

represented by **John Mark Dickison**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

V.

**Counter Defendant**

**William Gateman**  
*Individually and as Trustee of 200*  
*Union Street Realty Trust*














**Counter Claimant**













**Roberts Corporation**

V.

**Counter Defendant****William Gateman**













*Individually and as Trustee of 200  
Union Street Realty Trust*

Date Filed	#	Docket Text
08/05/2004	 1	COMPLAINT Filing fee: \$ 150, receipt number 57762, filed by Georto, Inc.. (Attachments: # 1 Civil Cover Sheet # 2 Exhibit A)(Filo, Jennifer) (Entered: 08/06/2004)
08/05/2004		If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Alexander. (Filo, Jennifer) (Entered: 08/06/2004)
08/05/2004		Summons Issued as to William Gateman. (Filo, Jennifer) (Entered: 08/06/2004)
08/05/2004	 2	CORPORATE DISCLOSURE STATEMENT by Georto, Inc.. (Filo, Jennifer) (Entered: 08/06/2004)
08/19/2004	 3	SUMMONS Returned Executed William Gateman served on 8/7/2004, answer due 8/27/2004. (Filo, Jennifer) (Entered: 08/20/2004)
09/01/2004	 4	ANSWER to Complaint with Jury Demand, THIRD PARTY COMPLAINT against Roberts Corporation by William Gateman.(Filo, Jennifer) (Entered: 09/03/2004)
12/20/2004	 5	ANSWER to Third Party Complaint, COUNTERCLAIM against William Gateman by Roberts Corporation.(Dickison, John) (Entered: 12/20/2004)
12/21/2004	 7	AFFIDAVIT OF SERVICE Executed by William Gateman. Roberts Corporation served on 12/6/2004, answer due 12/26/2004. Acknowledgement filed by William Gateman. (Filo, Jennifer) (Entered: 01/03/2005)
12/28/2004	 6	AMENDED ANSWER to <i>Third Party Complaint</i> , COUNTERCLAIM with Jury Demand against William Gateman by Roberts Corporation. (Attachments: # 1 Exhibit A)(Dickison, John) (Entered: 12/28/2004)
01/12/2005	 8	ANSWER to Counterclaim Against Third Party Plaintiff and Jury Demand by William Gateman.(Filo, Jennifer) (Entered: 01/19/2005)
03/15/2005	 9	ELECTRONIC NOTICE of Scheduling Conference Scheduling Conference set for 4/25/2005 02:15 PM in Courtroom 2 before Nancy Gertner. (Molloy, Maryellen) (Entered: 03/15/2005)
04/15/2005	 10	JOINT STATEMENT re scheduling conference <i>to be held on April 25</i> . (Kerester, Dale) (Entered: 04/15/2005)
04/15/2005	 11	CERTIFICATE OF CONSULTATION Pursuant to Local Rule 16.1(D) (3) by Dale C. Kerester on behalf of Georto, Inc.. (Kerester, Dale)

		(Entered: 04/15/2005)
04/15/2005	 12	CERTIFICATE OF CONSULTATION by John Mark Dickison on behalf of Roberts Corporation, Roberts Corporation by on behalf of Roberts Corporation, Roberts Corporation.(Dickison, John) (Entered: 04/15/2005)
04/15/2005	 13	NOTICE of Appearance by James S. Robbins on behalf of William Gateman (Filo, Jennifer) (Entered: 04/20/2005)
04/15/2005	 14	CERTIFICATION pursuant to Local Rule 16.1 by William Gateman. (Filo, Jennifer) (Entered: 04/20/2005)
04/25/2005	 1	Electronic Clerk's Notes for proceedings held before Judge Nancy Gertner : Scheduling Conference held on 4/25/2005. Joint Statement Adopted; Further Status Conference set for 10/17/2005 02:30 PM to set trial dates (4/06), conference to be held in Courtroom 2 before Nancy Gertner. (Court Reporter none.) (Molloy, Maryellen) (Entered: 04/26/2005)
09/30/2005	 15	MOTION to Compel <i>Answers to Interrogatories</i> by Georto, Inc.. (Attachments: # 1 Exhibit 1# 2 Exhibit 2)(Kerester, Dale) (Entered: 09/30/2005)
09/30/2005	 16	MEMORANDUM in Support re 15 MOTION to Compel <i>Answers to Interrogatories</i> filed by Georto, Inc.. (Kerester, Dale) (Entered: 09/30/2005)
10/14/2005	 17	MOTION for Extension of Time to Complete Discovery by William Gateman.(Filo, Jennifer) (Entered: 10/19/2005)
10/14/2005	 18	Opposition and Response re 15 MOTION to Compel <i>Answers to Interrogatories</i> filed by William Gateman. (Attachments: # 1 Exhibit One# 2 Exhibit Two# 3 Exhibit Three# 4 Exhibit Four# 5 Exhibit Five) (Filo, Jennifer) (Entered: 10/19/2005)
10/17/2005	 1	ElectronicClerk's Notes for proceedings held before Judge Nancy Gertner : Status Conference held on 10/17/2005. Motion to Compel-pending. Parties shall file a stipulation re: extending specific discovery deadlines on or before 10/24/05. Pretrial set for 4/18/06 at 2:30pm; Jury Trial set for 4/24/06 at 9:00am. (Molloy, Maryellen) (Entered: 10/18/2005)
10/24/2005	 19	STIPULATION re 17 MOTION for Extension of Time to Complete Discovery <i>by all parties and as filed</i> by Georto, Inc.. (Kerester, Dale) (Entered: 10/24/2005)
10/25/2005	 1	Judge Nancy Gertner: ElectronicORDER entered finding as moot 17 Motion for Extension of Time to Complete Discovery (Filo, Jennifer) (Entered: 10/25/2005)
11/03/2005	 20	MOTION for Leave to File <i>Reply Briefre Motion to Compel</i> by Georto, Inc.. (Attachments: # (1) Exhibit Proposed Reply Brief)(Kerester, Dale) Additional attachment(s) added on 1/20/2006 (Filo, Jennifer). (Entered: 11/03/2005)



01/04/2006	20	Judge Nancy Gertner : Electronic ORDER entered granting 20 Motion for Leave to File (Molloy, Maryellen) (Entered: 01/04/2006)
01/11/2006	21	Opposition re 20 MOTION for Leave to File <i>Reply Brief re Motion to Compel</i> filed by William Gateman. (Robbins, James) Additional attachment(s) added on 1/20/2006 (Filo, Jennifer). (Entered: 01/11/2006)
01/20/2006	22	REPLY to Response to Motion re 15 MOTION to Compel <i>Answers to Interrogatories</i> filed by Georto, Inc.. (Filo, Jennifer) (Entered: 01/20/2006)
01/24/2006	23	MOTION to Compel <i>Production of Documents</i> by Georto, Inc..(Kerester, Dale) (Entered: 01/24/2006)
01/24/2006	24	MEMORANDUM in Support re 23 MOTION to Compel <i>Production of Documents</i> filed by Georto, Inc.. (Attachments: # 1 Exhibit A to Memorandum in Support of Motion to Compel Production of Documents)(Kerester, Dale) (Entered: 01/24/2006)
01/24/2006	25	AFFIDAVIT in Support re 23 MOTION to Compel <i>Production of Documents</i> . (Attachments: # 1 Exhibit 1-5 to Affidavit of Dale Kerester) (Kerester, Dale) (Entered: 01/24/2006)
01/25/2006	26	Judge Nancy Gertner: Electronic ORDER entered granting in part and denying in part 15 Motion to Compel: Plaintiff moved this court to compel Defendant Gateman to provide further answers to Plaintiff's interrogatories. In his reply brief, Gateman provided some of these answers. Therefore, to the extent that Plaintiff requests that this court compel further written answers to Plaintiff's interrogatories, the motion is DENIED. However, Plaintiff has not had the opportunity to question Defendant about his new interrogatory answers. Thus, to the extent that Plaintiff seeks that Defendant be compelled to answer questions about the interrogatories at a further deposition of Defendant Gateman, the motion is GRANTED. (Gertner, Nancy) (Entered: 01/25/2006)
01/25/2006	26	MOTION to Withdraw as Attorney by <i>James S. Robbins, Esq. and Alan G. Miller, Esq.</i> by William Gateman.(Robbins, James) (Entered: 01/25/2006)
01/25/2006	27	MOTION for Extension of Time to February 15, 2006 to Designate Rebuttal Experts by William Gateman.(Robbins, James) (Entered: 01/25/2006)
01/26/2006	27	Judge Nancy Gertner: Electronic ORDER entered granting 27 Emergency Motion for Extension of Time for defendant to designate and disclose rebuttal expert witnesses. (Filo, Jennifer) (Entered: 01/26/2006)
01/28/2006	28	MOTION for Summary Judgment by Roberts Corporation.(Dickison, John) (Entered: 01/28/2006)
01/28/2006	29	MEMORANDUM in Support re 28 MOTION for Summary Judgment filed by Roberts Corporation. (Dickison, John) (Entered: 01/28/2006)
01/28/2006	30	STATEMENT of facts re 28 MOTION for Summary Judgment.














		(Attachments: # 1 Appendix)(Dickison, John) (Entered: 01/28/2006)
02/10/2006	 31	Emergency MOTION for Extension of Time to March 1, 2006 to File designation and disclosure of rebuttal expert witnesses by William Gateman.(Robbins, James) (Entered: 02/10/2006)
02/14/2006		ELECTRONIC NOTICE of Conference. ORDERED: it is hereby ordered that all deadlines are stayed pending the resolution of new counsel for defendant. The defendant, Mr. Gateman is hereby ordered to find new counsel before the conference scheduled for 3/13/06. Notice of appearance shall file filed no later than 3/12/06. Defendant must appear in person with counsel at the 3/13/2006 conference. Hearing/Conference on the issue of New Counsel set for 3/13/2006 10:00 AM in Courtroom 2 before Judge Nancy Gertner. (Molloy, Maryellen) (Entered: 02/14/2006)
03/13/2006		ElectronicClerk's Notes for proceedings held before Judge Nancy Gertner : Status Conference held on 3/13/2006. New counsel for the dft Gateman (Mark McGrath) will enter an appearance; Plaintiff anticipates 1 full week 9-5 for jury trial; ORDERED: Cnsl shall submit a new joint schedule on or before March 20, 2006. Jury Trial set for 8/21/2006 09:00-5:00 Mon-Friday; Pretrial Conference set for 8/17/2006 02:30 PM in Courtroom 2 before Judge Nancy Gertner. NO FURTHER CONTINUANCES WILL BE ENTERTAINED.(Court Reporter none.) (Molloy, Maryellen) (Entered: 03/13/2006)
03/13/2006		Judge Nancy Gertner: Electronic ORDER entered granting (as stated in open court) 26 Motion to Withdraw as Attorney. (Filo, Jennifer) (Entered: 03/13/2006)
03/20/2006	 32	STIPULATION and Joint Statement per 3/13/06 Conference by Georto, Inc.. (Kerester, Dale) (Entered: 03/20/2006)
03/28/2006	 33	NOTICE of Appearance by Mark P. McGrath on behalf of William Gateman (Filo, Jennifer) (Entered: 04/04/2006)
03/31/2006	 34	Document disclosure by William Gateman.(Filo, Jennifer) (Entered: 04/04/2006)
04/05/2006		Judge Nancy Gertner: Electronic ORDER entered granting 31 Motion for Extension of Time to March 1, 2006 to File designation and disclosure of rebuttal expert witnesses. (Filo, Jennifer) (Entered: 04/05/2006)
04/05/2006		Letter sent to Attorney Mark P. McGrath advising of inactive status in the Bar of this Court. Notice, reregistration and ECF application included. (Filo, Jennifer) (Entered: 04/05/2006)
04/05/2006	 35	NOTICE issued to Attorney Mark P. McGrath regarding mandatory use of ECF in compliance with Local Rule 5.4. Failure to comply may result in the imposition of sanctions. (Filo, Jennifer) (Entered: 04/05/2006)
04/07/2006	 36	MOTION for Trustee Process by Georto, Inc..(Kerester, Dale) (Entered: 04/07/2006)
04/07/2006	 37	MEMORANDUM in Support re 36 MOTION for Trustee Process filed

		by Georto, Inc.. (Kerester, Dale) (Entered: 04/07/2006)
04/07/2006	<a href="#"><u>38</u></a>	AFFIDAVIT of Plaintiff in Support re 36 MOTION for Trustee Process filed by Georto, Inc.. (Attachments: # 1 Exhibit A# 2 Exhibit B# 3 Exhibit C# 4 Exhibit D# 5 Exhibit E)(Kerester, Dale) (Entered: 04/07/2006)
04/21/2006	<a href="#"><u>39</u></a>	RESPONSE to Motion re 28 MOTION for Summary Judgment ( <i>Statement of Material Facts</i> ) filed by Georto, Inc.. (Kerester, Dale) (Entered: 04/21/2006)
04/21/2006	<a href="#"><u>40</u></a>	Opposition re 28 MOTION for Summary Judgment filed by William Gateman. (Filo, Jennifer) (Entered: 04/27/2006)
04/21/2006	<a href="#"><u>41</u></a>	MEMORANDUM in support of Opposition re 28 MOTION for Summary Judgment filed by William Gateman. (Filo, Jennifer) (Entered: 04/27/2006)
04/21/2006	<a href="#"><u>42</u></a>	STATEMENT of facts. (Filo, Jennifer) (Entered: 04/27/2006)
04/21/2006	<a href="#"><u>43</u></a>	NOTICE of Filing with Clerk's Office by William Gateman re 40 Opposition to Motion. (Exhibits attached, too large to scan) (Filo, Jennifer) (Entered: 04/27/2006)
04/28/2006	<a href="#"><u>44</u></a>	Opposition re 36 MOTION for Trustee Process filed by William Gateman. (McGrath, Mark) (Entered: 04/28/2006)
04/28/2006	<a href="#"><u>45</u></a>	MEMORANDUM in Opposition re 36 MOTION for Trustee Process filed by William Gateman. (McGrath, Mark) (Entered: 04/28/2006)
05/08/2006	<a href="#"><u>46</u></a>	MOTION for Leave to File <i>Reply Memorandum (Assented to) Regarding Motion for Trustee Process</i> by Georto, Inc.. (Attachments: # 1 Exhibit Proposed Reply Memorandum)(Kerester, Dale) (Entered: 05/08/2006)
05/09/2006	<a href="#"><u>47</u></a>	Judge Nancy Gertner: Electronic ORDER entered granting 46 Assented to Motion for Leave to File; Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. (Filo, Jennifer) (Entered: 05/09/2006)
05/10/2006	<a href="#"><u>47</u></a>	REPLY to Response to Motion re 36 MOTION for Trustee Process ( <i>pursuant to Order allowing motion for leave</i> ) filed by Georto, Inc.. (Kerester, Dale) (Entered: 05/10/2006)
05/25/2006	<a href="#"><u>48</u></a>	Judge Nancy Gertner : Electronic ORDER entered granting 36 Motion for Trustee Process, granting 23 Motion to Compel:Plaintiff Georto has filed a motion to compel the production of documents [#23], which is unopposed. That motion is GRANTED. In addition, plaintiff has filed a motion for trustee process [#36]. Pursuant to Federal Rule of Civil Procedure 64, this motion is governed by Massachusetts law, which requires that the moving party show a 'reasonable likelihood that the plaintiff will recover judgment, including interest and costs, in an amount equal to or greater than the amount of the trustee process over and above any liability insurance shown by the defendant to be available...' Mass. R.













		Civ. P. 4.2(c). The 'central question...is whether plaintiffs are likely to prevail on the merits and obtain damages in the necessary amount.' Aetna Casualty and Surety Co. v. Rodeo Autobody, 138 F.R.D. 328, 332 (D. Mass. 1991) (internal quotation omitted). Plaintiff here requests authorization to attach \$300,000 of defendant's assets. Plaintiff alleges that defendant breached his warranty that there would be no unacceptable environmental conditions on the property he sold to Georto. Plaintiff has demonstrated a 'reasonable likelihood' that he will recover at least \$300,000, including attorney's fees and prejudgment interest. Defendant has not presented any evidence to suggest that he has liability insurance to cover a potential judgment against him. Plaintiff's motion for trustee process is therefore GRANTED. (Gertner, Nancy) (Entered: 05/25/2006)
05/26/2006	<a href="#"><u>48</u></a>	Summons to Trustee Issued as to TD Banknorth, N.A. (Filo, Jennifer) (Entered: 05/31/2006)
05/26/2006	<a href="#"><u>49</u></a>	Summons to Trustee Issued as to Eastern Bank. (Filo, Jennifer) (Entered: 05/31/2006)
05/26/2006	<a href="#"><u>50</u></a>	Summons to Trustee Issued as to Citizens Bank of Massachusetts. (Filo, Jennifer) (Entered: 05/31/2006)
06/12/2006	<a href="#"><u>51</u></a>	Judge Nancy Gertner : Electronic ORDER entered granting in part and denying in part 28 Motion for Summary Judgment Third-Party Defendant Roberts Corporation ('Roberts') has moved for summary judgment against Defendant/Third-Party Plaintiff William Gateman ('Gateman'). Summary judgment is appropriate only when, making all reasonable inferences in favor of the non-moving party, there are no genuine issues of material fact. Here, factual questions remain as to whether or not Roberts' clean-up efforts met the terms of the Roberts-Gateman contract, as orally modified by the parties. Summary judgement is therefore DENIED with respect to the breach of contract claim. On the issue of indemnification, Gateman has conceded that there was no express agreement for indemnification. He argues, however, that the Court should imply indemnification from the relationship of the parties or the common law. Gateman has provided no evidence, however, of a special relationship between the parties that would make it appropriate to imply indemnification in this case. See, e.g., Fall River Housing Authority v. H.V. Collins Co.; Cape Cod Lath & Plaster, Inc., 414 Mass. 10, 14 (1992). Nor has Gateman presented facts sufficient to support an inference of common law indemnification. Roberts' motion for summary judgment [doc. #28] is therefore GRANTED in part and DENIED in part. (Gertner, Nancy) (Entered: 06/12/2006)
06/14/2006	<a href="#"><u>51</u></a>	ANSWER of Trustee by Citizens Bank of Massachusetts. (Filo, Jennifer) (Entered: 06/16/2006)
06/16/2006	<a href="#"><u>52</u></a>	ANSWER of Trustee by Eastern Bank. (Filo, Jennifer) (Entered: 06/26/2006)
06/22/2006	<a href="#"><u>53</u></a>	ANSWER of Trustee by TD Banknorth, N.A.. (Filo, Jennifer) (Entered: 06/26/2006)

07/17/2006	<a href="#"><u>54</u></a>	NOTICE of Appearance by Karin I. McEwen on behalf of Georto, Inc. (McEwen, Karin) (Entered: 07/17/2006)
07/18/2006	<a href="#"><u>55</u></a>	Disclosure pursuant to Rule 26 by Georto, Inc..(McEwen, Karin) (Entered: 07/18/2006)
07/18/2006	<a href="#"><u>56</u></a>	Disclosure pursuant to Rule 26 by Roberts Corporation.(Dickison, John) (Entered: 07/18/2006)
07/20/2006	<a href="#"><u>57</u></a>	Judge Nancy Gertner : PROCEDURAL ORDER re pretrial/trial entered: Final Pretrial Conference set for 8/17/2006 02:30 PM; Jury Trial set for 8/21/2006 09:00 AM in Courtroom 2 before Judge Nancy Gertner. (Molloy, Maryellen) (Entered: 07/20/2006)
08/01/2006	<a href="#"><u>58</u></a>	Disclosure pursuant to Rule 26 by William Gateman.(McGrath, Mark) (Entered: 08/01/2006)
08/01/2006	<a href="#"><u>59</u></a>	NOTICE of Appearance by Francis J. DiMento on behalf of William Gateman (DiMento, Francis) (Entered: 08/01/2006)
08/08/2006	<a href="#"><u>60</u></a>	Disclosure pursuant to Rule 26 by Georto, Inc..(Kerester, Dale) (Entered: 08/08/2006)
08/11/2006	<a href="#"><u>61</u></a>	PRETRIAL MEMORANDUM by Georto, Inc.. (Attachments: # 1 Exhibit Addendum A to Joint Pretrial Memo; joint witness list# 2 Exhibit Addendum B to Joint Pretrial Memo; Joint Exhibit List)(Kerester, Dale) (Entered: 08/11/2006)
08/11/2006	<a href="#"><u>62</u></a>	Proposed Jury Instructions by Georto, Inc.. (Kerester, Dale) (Entered: 08/11/2006)
08/14/2006	<a href="#"><u>63</u></a>	Proposed Jury Instructions by Roberts Corporation. (Dickison, John) (Entered: 08/14/2006)
08/15/2006	<a href="#"><u>64</u></a>	AFFIDAVIT of Jackson D. Gatement in support <a href="#"><u>66</u></a> Emergency MOTION to Consolidate Cases <i>04-11730 and 06-11034</i> by William Gateman.(McGrath, Mark) Modified on 8/17/2006 to correct docket text and terminate motion (filed incorrectly as a motion) (Filo, Jennifer). (Entered: 08/15/2006)
08/15/2006	<a href="#"><u>65</u></a>	Proposed Jury Instructions by William Gateman. (McGrath, Mark) (Entered: 08/15/2006)
08/15/2006	<a href="#"><u>66</u></a>	Emergency MOTION to Consolidate Cases <i>04-11730 and 06-11034</i> by William Gateman.(McGrath, Mark) (Entered: 08/15/2006)
08/15/2006	<a href="#"><u>67</u></a>	AFFIDAVIT of Mark McGrath in Support re <a href="#"><u>66</u></a> Emergency MOTION to Consolidate Cases <i>04-11730 and 06-11034</i> filed by William Gateman. (McGrath, Mark) (Entered: 08/15/2006)
08/16/2006	<a href="#"><u>68</u></a>	SUMMONS to Trustee Returned Executed Citizens Bank of Massachusetts served on 5/30/2006, answer due 6/19/2006. (McEwen, Karin) (Entered: 08/16/2006)
08/16/2006	<a href="#"><u>69</u></a>	SUMMONS to Trustee Returned Executed TD Banknorth, N.A. served
















		on 5/30/2006. answer due 6/19/2006. (McEwen, Karin) (Entered: 08/16/2006)
08/16/2006	 70	Disclosure pursuant to Rule 26 by Georto, Inc..(Kerester, Dale) (Entered: 08/16/2006)
08/17/2006	 71	Opposition re 66 Emergency MOTION to Consolidate Cases <i>04-11730 and 06-11034</i> , 64 Emergency MOTION to Consolidate Cases <i>04-11730 and 06-11034</i> filed by Georto, Inc.. (Kerester, Dale) (Entered: 08/17/2006)
08/17/2006	 72	Disclosure pursuant to Rule 26 by Roberts Corporation.(Dickison, John) (Entered: 08/17/2006)
08/17/2006	 73	ElectronicClerk's Notes for proceedings held before Judge Nancy Gertner : Final Pretrial Conference held on 8/17/2006. Motion to consolidate-Denied as stated in open court. Jury Trial will go forward on 8/21/06 at 9:00am. court adjourned. (Court Reporter O'Hara.) (Molloy, Maryellen) (Entered: 08/17/2006)
08/18/2006	 73	<i>Joint Exhibit List</i> by Georto, Inc.. (Kerester, Dale) (Entered: 08/18/2006)
08/18/2006	 74	<i>Joint Witness List</i> by Georto, Inc.. (Kerester, Dale) (Entered: 08/18/2006)
08/18/2006	 75	Document disclosure by William Gateman.(McGrath, Mark) (Entered: 08/18/2006)
08/21/2006	 76	Electronic Notice of assignment to ADR Provider. Magistrate Judge Marianne B. Bowler appointed. The mediation will be held on the morning of August 22, 2006. Counsel will be notified by telephone regarding time and location.(Tyler, Rebecca) (Entered: 08/21/2006)
08/21/2006	 77	ElectronicClerk's Notes for proceedings held before Judge Nancy Gertner : Hearing re: jury trial issues held on 8/21/2006. Defense counsel move to continue the Jury Trial due to a death in the family...Allowed by the court. Parties agree to mediation, case to be referred to the ADR program. Jury Trial reset to 9/11/06 at 9:00AM. (Court Reporter O'Hara.) (Molloy, Maryellen) (Entered: 08/22/2006)
08/22/2006	 78	Set Deadlines/Hearings: Jury Trial reset to 9/11/2006 09:00 AM in Courtroom 2 before Judge Nancy Gertner. (Molloy, Maryellen) (Entered: 08/22/2006)
08/22/2006	 76	ORDER REFERRING CASE to Alternative Dispute Resolution.(Molloy, Maryellen) (Entered: 08/22/2006)
08/22/2006	 77	REPORT of Alternative Dispute Resolution Provider. (Duffy, Marc) (Entered: 08/22/2006)
09/05/2006	 78	DUPLICATE OF DOCUMENT 79. STIPULATION to <i>Jury Waiver</i> by William Gateman. (McGrath, Mark) Modified on 9/13/2006 (Filo, Jennifer). (Entered: 09/05/2006)










09/07/2006	 79	STIPULATION of Jury Waiver by William Gateman. (McGrath, Mark) (Entered: 09/07/2006)
09/11/2006		ElectronicClerk's Notes for proceedings held before Judge Nancy Gertner : Bench Trial DAY ONE (Mon) held on 9/11/2006. Openings and evidence begins; Pltf calls 1st witness (P-1) James V.Hawkins-sworn; agreed upon exhibits 1-42 admitted, court adjourned. (Court Reporter O'Hara.) (Molloy, Maryellen) (Entered: 09/12/2006)
09/12/2006		ElectronicClerk's Notes for proceedings held before Judge Nancy Gertner : Bench Trial DAY 2 (Tues) held on 9/12/2006. Mr. Hawkins testimony resumes; P-2 Steven McIntyer-sworn, court adjourned until wed 9/13/06. (Court Reporter O'Hara.) (Molloy, Maryellen) (Entered: 09/13/2006)
09/13/2006		ElectronicClerk's Notes for proceedings held before Judge Nancy Gertner : Bench Trial DAY 3 (Wed) held on 9/13/2006. Mr.McIntyre testimony resumes; P-3 Phillip Dennis Morin-sworn, court adjourned until Thursday 9/14/06. (Court Reporter O'Hara.) (Molloy, Maryellen) (Entered: 09/14/2006)
09/14/2006		ElectronicClerk's Notes for proceedings held before Judge Nancy Gertner : Bench Trial DAY 4 (Thurs) held on 9/14/2006. Mr. Morin testimony resumes; P-4 Gregory Wirsen; P-5 Chad B. Michaud-sworn, court adjourned. (Court Reporter O'Hara.) (Molloy, Maryellen) (Entered: 09/14/2006)
09/18/2006		ElectronicClerk's Notes for proceedings held before Judge Nancy Gertner : Bench Trial DAY 5 (mon) held on 9/18/2006. P-5 Mr. Michaud restimony resumes; P-6 Lauren McKinley-sworn; P-7 Mr. Gateman-sworn, court adjourned until tuesday 9/19/06 at 9:00am. (Court Reporter O'Hara.) (Molloy, Maryellen) (Entered: 09/19/2006)
09/19/2006		ElectronicClerk's Notes for proceedings held before Judge Nancy Gertner : Bench Trial DAY 6 (Tues) held on 9/19/2006. Mr.Gateman testimony resumes, court adjourned until Wed 9/20/06 at 9:00am. (Court Reporter O'Hara.) (Molloy, Maryellen) (Entered: 09/19/2006)
09/20/2006		ElectronicClerk's Notes for proceedings held before Judge Nancy Gertner : Bench Trial DAY 7 (Wed) held on 9/20/2006. P-7 Mr. Gateman testimony resumes, court adjourned until Monday 9/25/06 at 9:00am. (Court Reporter O'Hara.) (Molloy, Maryellen) (Entered: 09/25/2006)
09/25/2006		ElectronicClerk's Notes for proceedings held before Judge Nancy Gertner : Bench Trial(Day 8) held on 9/25/2006. Mr Gateman testimony resumes; P-8 Robert Stalker-sworn; P-9 Scott Wetherbee-sworn. Bench Trial completed. Ordered: Findings of Fact due by 10/16/06; Response due by 10/23/06; Hearing set for 10/27/2006 10:00 AM in Courtroom 2 before Judge Nancy Gertner, court adjourned. (Court Reporter O'hara.) (Molloy, Maryellen) Modified on 10/18/2006 (Molloy, Maryellen). (Entered: 09/26/2006)
09/29/2006	 80	Final Joint Exhibit List by Georto, Inc... (Kerester, Dale) (Entered: 09/29/2006)



		(09/29/2006)
10/02/2006	<u>81</u>	TRANSCRIPT of Bench Trial Day One held on September 11, 2006 before Judge Gertner. Court Reporter: Valerie A. O'Hara. The original transcripts are maintained in the case file in the Clerk's Office. Copies may be obtained by contacting the court reporter at 617/737-2346 or the Clerk's Office. (Scalfani, Deborah) (Entered: 10/02/2006)
10/02/2006	<u>82</u>	TRANSCRIPT of Bench Trial Day Two held on September 12, 2006 before Judge Gertner. Court Reporter: Valerie A. O'Hara. The original transcripts are maintained in the case file in the Clerk's Office. Copies may be obtained by contacting the court reporter at 617/737-2346 or the Clerk's Office. (Scalfani, Deborah) (Entered: 10/02/2006)
10/02/2006	<u>83</u>	TRANSCRIPT of Bench Trial Day Three held on September 13, 2006 before Judge Gertner. Court Reporter: Valerie A. O'Hara. The original transcripts are maintained in the case file in the Clerk's Office. Copies may be obtained by contacting the court reporter at 617/737-2346 or the Clerk's Office. (Scalfani, Deborah) (Entered: 10/02/2006)
10/02/2006	<u>84</u>	TRANSCRIPT of Bench Trial Day Four held on September 14, 2006 before Judge Gertner. Court Reporter: Valerie A. O'Hara. The original transcripts are maintained in the case file in the Clerk's Office. Copies may be obtained by contacting the court reporter at 617/737-2346 or the Clerk's Office. (Scalfani, Deborah) (Entered: 10/02/2006)
10/02/2006	<u>85</u>	TRANSCRIPT of Bench Trial Day Five held on September 18, 2006 before Judge Gertner. Court Reporter: Valerie A. O'Hara. The original transcripts are maintained in the case file in the Clerk's Office. Copies may be obtained by contacting the court reporter at 617/737-2346 or the Clerk's Office. (Scalfani, Deborah) (Entered: 10/02/2006)
10/02/2006	<u>86</u>	TRANSCRIPT of Bench Trial Day Six held on September 19, 2006 before Judge Gertner. Court Reporter: Valerie A. O'Hara. The original transcripts are maintained in the case file in the Clerk's Office. Copies may be obtained by contacting the court reporter at 617/737-2346 or the Clerk's Office. (Scalfani, Deborah) (Entered: 10/02/2006)
10/02/2006	<u>87</u>	TRANSCRIPT of Bench Trial Day Seven held on September 20, 2006 before Judge Gertner. Court Reporter: Valerie A. O'Hara. The original transcripts are maintained in the case file in the Clerk's Office. Copies may be obtained by contacting the court reporter at 617/737-2346 or the Clerk's Office. (Scalfani, Deborah) (Entered: 10/02/2006)
10/02/2006	<u>88</u>	TRANSCRIPT of Bench Trial Day Eight held on September 25, 2006 before Judge Gertner. Court Reporter: Valerie A. O'Hara. The original transcripts are maintained in the case file in the Clerk's Office. Copies may be obtained by contacting the court reporter at 617/737-2346 or the Clerk's Office. (Scalfani, Deborah) (Entered: 10/02/2006)
10/16/2006	<u>89</u>	Proposed Proposed Findings of Fact by William Gateman. (DiMento, Francis) (Entered: 10/16/2006)

10/16/2006	 90	Proposed Findings of Fact by Roberts Corporation. (Dickison, John) (Entered: 10/16/2006)
10/16/2006	 91	Proposed Findings of Fact by Georto, Inc.. (Kerester, Dale) (Entered: 10/16/2006)
10/16/2006	 92	TRIAL BRIEF ( <i>Requests for Rulings of Law</i> ) by Georto, Inc.. (Kerester, Dale) (Entered: 10/16/2006)
10/23/2006	 93	<i>Response to Requested Rulings of Law and Findings of Fact by Plaintiff and Third Party Defendant</i> Response by William Gateman. (DiMento, Francis) (Entered: 10/23/2006)
10/23/2006	 94	Supplemental Proposed Findings of Fact by Roberts Corporation. (Dickison, John) (Entered: 10/23/2006)
10/23/2006	 95	TRIAL BRIEF <i>Response to Fact/Law Submissions</i> , by Georto, Inc.. (Kerester, Dale) (Entered: 10/23/2006)
10/27/2006	 96	Electronic Clerk's Notes for proceedings held before Judge Nancy Gertner : Closing arguments held on 10/27/2006, all matters taken under advisement, court adjourned. (Volumes 1 & 2 original exhibits submitted to the court) (Court Reporter O'Hara.) (Molloy, Maryellen) (Entered: 10/27/2006)
10/30/2006	 96	Letter/request (non-motion) from Dale Kerester re: courtesy copy of documents on CD (attached). Sent to chambers. (Filo, Jennifer) (Entered: 11/09/2006)
01/05/2007	 97	Judge Nancy Gertner : Electronic ORDER entered finding as moot 66 Emergency Motion to Consolidate Cases 04-11730 and 06-11034 by William Gateman (Filo, Jennifer) (Entered: 01/05/2007)
07/03/2007	 97	Judge Nancy Gertner: ORDER entered. MEMORANDUM AND ORDER.(MacDonald, Gail) (Entered: 07/03/2007)
07/03/2007	 98	Judge Nancy Gertner: ORDER entered. (MacDonald, Gail) (Entered: 07/03/2007)
08/02/2007	 99	NOTICE OF APPEAL by William Gateman Filing fee \$ 455, receipt number 1615756 NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at <a href="http://www.ca1.uscourts.gov/clerks/transcript.htm">http://www.ca1.uscourts.gov/clerks/transcript.htm</a> MUST be completed and submitted to the Court of Appeals.Appeal Record due by 8/22/2007. (DiMento, Francis) (Entered: 08/02/2007)
08/03/2007	 100	MOTION for Attorney Fees by Roberts Corporation.(Dickison, John) (Entered: 08/03/2007)
08/03/2007	 101	MEMORANDUM in Support re 100 MOTION for Attorney Fees filed by Roberts Corporation. (Attachments: # 1 Exhibit A# 2 Exhibit B# 3 Exhibit Bills)(Dickison, John) (Entered: 08/03/2007)
08/03/2007	 102	MOTION for Attorney Fees <i>Pursuant to Memorandum and Order</i> by Georto, Inc..(Kerester, Dale) (Entered: 08/03/2007)

08/03/2007	 103	AFFIDAVIT of Dale Kerester re 102 MOTION for Attorney Fees Pursuant to Memorandum and Order by Georto, Inc.. (Attachments: # 1 Exhibit Ex.A to Fee Affidavit# 2 Exhibit Ex. B-E to Fee Affidavit) (Kerester, Dale) (Entered: 08/03/2007)
08/10/2007	 104	MOTION for Extension of Time to August 17, 2007 to File Response/Reply to Roberts, Inc.'s Motion For Attorney's Fees and Costs by William Gateman.(DiMento, Francis) (Entered: 08/10/2007)
08/13/2007		Judge Nancy Gertner : Electronic ORDER entered granting 104 Motion for Extension of Time to File Response/Reply re 100 MOTION for Attorney Fees. Responses due by 8/17/2007. (Gaudet, Jennifer) (Entered: 08/13/2007)
08/15/2007	 105	Plaintiff's NOTICE OF CROSS APPEAL as to 97 Memorandum & ORDER, 98 Order by Georto, Inc.. Filing fee \$ 455, receipt number 1630912. NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at <a href="http://www.ca1.uscourts.gov/clerks/transcript.htm">http://www.ca1.uscourts.gov/clerks/transcript.htm</a> MUST be completed and submitted to the Court of Appeals.Appeal Record due by 9/4/2007. (Kerester, Dale) (Entered: 08/15/2007)
08/16/2007	 106	MOTION for Extension of Time to August 21, 2007 to File Response/Reply to Plaintiff's Application for Attorney's Fees and Costs by William Gateman.(DiMento, Francis) (Entered: 08/16/2007)
08/17/2007		Judge Nancy Gertner : Electronic ORDER entered granting 106 Motion for Extension of Time to File Response/Reply re 100 MOTION for Attorney Fees, 102 MOTION for Attorney Fees Pursuant to Memorandum and Order. Responses due by 8/21/2007. (Gaudet, Jennifer) (Entered: 08/17/2007)
08/17/2007	 107	RESPONSE to Motion re 100 MOTION for Attorney Fees filed by William Gateman. (DiMento, Francis) (Entered: 08/17/2007)